



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Ms. Lisa Colly  
Marriott Courtyard  
1000 Market St.  
Portsmouth, New Hampshire 03801

LETTER OF DEFICIENCY  
WMB PBF 02-76  
November 8, 2002

Dear Ms. Colly:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On October 28, 2002, DES inspected the following public bathing facilities at the Marriott Courtyard, in Portsmouth, NH: the indoor pool ("Pool") and spa ("Spa"). During this inspection, the following deficiencies were noted:

- Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the Spa water was approximately 1.8 mg/L on October 28, 2002.
2. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The written records were not up to date at the time of the inspection relative to the required testing of the Pool and Spa water. The Pool and Spa water had not been tested since October 26, 2002.
  3. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a functioning flow meter.
  4. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a flow meter.
  5. Pursuant to Env-Ws 1105.03(a)(3)(b), public spas shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. One of the outlet grates /main drain covers for the Spa was broken. A recommendation to close the Spa was issued on October 28, 2002.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the flow meter to be installed.
  3. The type, manufacture, and model of the main drain cover to be installed.
  4. A timetable of when:
    - a. the installation of the main drain cover(s) will be completed; and
    - b. the installation of the flow meter(s) will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

Marriott Courtyard  
WMB PBF 02-76  
November 1, 2002  
Page 2

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

**COPY**

Jody Connor  
Limnology Center Director

Certified Mail #

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Odysias Athanasiou, Health Officer, City of Portsmouth  
Scott Cameron, Marriott Courtyard

H:\BIOLOGY\POOLS\Letters-LOD\LOD.02.76.doc